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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/651,907	08/30/2000	John Underwood	730301-2013	2355
20999	7590	04/08/2005	EXAMINER	
FROMMERM LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			CAMPBELL, JOSHUA D	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/651,907	UNDERWOOD ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Joshua D Campbell	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 24 January 2005.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,3-26 and 28-54 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,3-26 and 28-54 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

1. This action is responsive to communications: Amendment filed on 01/24/2005.
2. Claims 1, 3-26, and 28-54 are pending in this case. Claims 1, 26, and 51-54 are independent claims. Claims 1, 3-5, 26, 28-34, and 51-54 have been amended. Claims 2 and 27 have been cancelled.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-5, 7, 9-16, 18, 20, 22-26, 28-30, 32, 34-41, 43, 45, 47-50, and 51-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Baxter et al. (US Patent Number 6,356,903, filed on December 30, 1998).

**Regarding independent claim 1,** Baxter et al. (hereafter referred to as Baxter) discloses a method in which content (dimensions) including formatting components and organizational components are stored in a repository (column 2, lines 1-11 of Baxter). Baxter discloses a method in which format components, templates which define formats (characteristics), are stored in a repository. The formats define what content is used

(subset) and how it is to be formatted (column 4, lines 25-53 of Baxter). Baxter also discloses a method in which a web document is based on a template (column 14, lines 5-28 of Baxter) and it is assembled by a system (description generator) to create a complete set (description) of content, organizational components and form components (column 16, lines 28-37 of Baxter).

**Regarding dependent claim 3,** Baxter discloses a method in which a template can be used to create more than one finalized web page (description), thus the probability is less than one that it will create the same description using the same template (column 15, line 66-column 16, line 9 of Baxter).

**Regarding dependent claim 4,** Baxter discloses a method in which templates are used to create new documents that are different from other documents created based on the template (column 16, lines 1-22 of Baxter).

**Regarding dependent claim 5,** Baxter discloses a method in which a complete set (description) created based on a template is stored in a repository (column 16, lines 38-50 of Baxter).

**Regarding dependent claim 7,** Baxter discloses a method in which templates are used to create new documents that are different from other documents created based on the template (column 16, lines 1-22 of Baxter). Thus, the method is non-deterministic because it allows for more than one possible result.

**Regarding dependent claims 9-16,** Baxter discloses a method in which content includes raw content (text, graphics, images), organization (layout and navigation), java

applications (component applications), colors, and outline (theme) (column 4, lines 25-67, column 14, lines 5-28, and column 16, lines 1-9 of Baxter).

**Regarding dependent claim 18,** Baxter discloses a method in which the finalized document corresponds to a set of content, organization and format (more than two dimensions combined together) (column 16, lines 28-37 of Baxter).

**Regarding dependent claim 20,** Baxter discloses a method in which the definitions set forth by the template use only a portion (subset) of the content (select pictures, certain colors, etc.) available (column 2, lines 1-24 of Baxter).

**Regarding dependent claim 22,** Baxter discloses a method in which the definitions set forth by the template use only a portion (subset) of the content (select pictures, certain colors, etc.) available (column 2, lines 1-24 of Baxter).

**Regarding dependent claim 23,** Baxter discloses a method in which the finalized document corresponds to a set of content, organization and format (more than two dimensions combined together) as defined by the template (column 16, lines 28-37 of Baxter).

**Regarding dependent claims 24-25,** Baxter discloses a method in which a corporate logo may be applied to a set of templates to designate them for use on a corporate site (specific industry) or templates can be created without a specific logo between them (general industry) (column 12, lines 7-43 of Baxter).

**Regarding claims 26, 28-30, 32, 34-41, 43, 45, and 47-50,** the claims incorporate substantially similar subject matter as claims 1, 3-5, 7, 9-16, 18, 20, and 22-

25. Thus, the claims are rejected along the same rationale as claims 1, 3-5, 7, 9-16, 18, 20, 22-25.

**Regarding independent claims 51-54,** the claims incorporate substantially similar subject matter as claim 1. Thus, the claims are rejected along the same rationale as claim 1.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6, 8, 31, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baxter et al. (US Patent Number 6,356,903, filed on December 30, 1998) as applied to claim 1 above, and further in view of Ryan et al. (US Patent Number 6,421,675, filed on July 15, 1998).

**Regarding dependent claim 6-8,** Baxter does not disclose a method in which a description is generated randomly or pseudo-randomly. However, Ryan et al. discloses a method in which a results page for a search engine randomly selects applicable results (content) to put into a template for a results page that is generated (column 22, Ryan et al.). Since the random selection is completed by a computation it is by definition also pseudo-random. It would have been obvious to one of ordinary skill in

the art at the time the invention was made to have used the method of Baxter in combination with the method of Ryan et al. because it gives the opportunity for the less popular content to be viewed on the generated web pages.

**Regarding dependent claims 31 and 33,** the claims incorporate substantially similar subject matter as claims 6 and 8. Thus, the claims are rejected along the same rationale as claims 6 and 8.

7. Claims 17, 19, 21, 42, 44, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baxter et al. (US Patent Number 6,356,903, filed on December 30, 1998) as applied to claims 1, 18, 26, and 43 above, and further in view of Hill et al. (US Patent Number 6,023,714, filed on April 24, 1997).

**Regarding dependent claim 17,** Baxter does not disclose a method in which one of the dimensions is the platform used to access the site. However, Hill et al. (hereafter referred to as Hill) discloses a method in which a web document is generated using a stylesheet (template) in which it is properly formatted and organized based on the system the user is using to view the document (column 2, lines 15-65 of Hill). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Baxter and Hill because it would have allowed more users to properly view the generated document.

**Regarding dependent claim 19,** Baxter does not disclose the use of a predetermined relationship between at least two characteristics. However, Hill discloses a method in which all the characteristics of the dimensions are shared a

predetermined relationship with the platform used to access a document in stylesheets in order to properly format the document for all platforms, which dictates other characteristics selected (i.e. format, content, color, etc.) (column 1, lines 15-65 of Hill). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Baxter and Hill because it would have allowed more users to properly view the generated document.

**Regarding dependent claim 21,** Baxter does not disclose the use of a predetermined relationship between at least two characteristics. However, Hill discloses a method in which all the characteristics of the dimensions are share a predetermined relationship with the platform used to access a document in stylesheets in order to properly format the document for all platforms (column 1, lines 15-65 of Hill). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Baxter and Hill because it would have allowed more users to properly view the generated document.

**Regarding dependent claims 42, 44, and 46,** the claims incorporate substantially similar subject matter as claims 17, 19, and 21. Thus, the claims are rejected along the same rationale as claims 17, 19, and 21.

### ***Response to Arguments***

8. Applicant's arguments filed 01/24/2005 have been fully considered but they are not persuasive.

Regarding the applicant's arguments on pages 10-12, regarding the limitation "...a description generator for generating a description of a web site based upon at least one of a plurality of web site templates." the examiner feels that the limitation is fully disclosed as shown in the previous and current rejections. The outline and format components that are created are eventually used to reference all of the elements necessary to assemble the full page and the page is created using the outline and format components with those elements (column 14, lines 5-28, column 16, lines 28-37, and column 2, lines 12-24 of Baxter). The format components can be thought of as a template that dictates how the content (outline) is to be formatted. The final product is a full description (the entire page) of the web page.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D Campbell whose telephone number is (571) 272-4133. The examiner can normally be reached on M-F (8:00 AM - 4:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDC  
April 1, 2005

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